

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STANLEY LORENZO WILLIAMS,)	
)	
Petitioner,)	
)	
v.)	1:11CV1083
)	
SUPERINTENDENT SIDNEY)	
HARKLEROAD, et al.,)	
)	
Respondents.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on January 9, 2012, was served on the parties in this action. Plaintiff objected to the Recommendation. (Doc. 4.)

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Petitioner's submission is construed as a new habeas petition under 28 U.S.C. § 2254, filed as a new case, and dismissed without prejudice to Petitioner filing a new petition correcting the defects set out in the Order and Recommendation if he receives permission to do so from the Fourth Circuit. Finding neither a substantial issue for appeal concerning

the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

February 23, 2012